

1
2 David C. Parisi (SBN 162248)
3 dcparsi@parisihavens.com
4 Suzanne Havens Beckman (SBN 188814)
5 shavens@parisihavens.com
6 PARISI & HAVENS LLP
7 212 Marine Street, Suite 100
8 Santa Monica, CA 90405
9 Telephone: (818) 990-1299
10 Facsimile: (818) 501-7852

11 Yitzchak H. Lieberman (SBN 277678)
12 ylieberman@parasmoliebermanlaw.com
13 PARASMO LIEBERMAN LAW
14 7400 Hollywood Blvd, #505
15 Los Angeles, CA 90046
16 Telephone: (917) 657-6857
17 Facsimile: (877) 501-3346

18 *Attorneys for Plaintiffs Lynn Slovin, Samuel Katz,*
19 *Jeffery Price, and Justin Birkhofer, on their own*
20 *behalf, and on behalf of all others similarly situated*

21
22 **IN THE UNITED STATES DISTRICT COURT**
23
24 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

25 LYNN SLOVIN, an individual, on her own
26 behalf and on behalf of all others similarly
27 situated,

28 Plaintiff,

v.

SUNRUN, INC., a California corporation,
CLEAN ENERGY EXPERTS, LLC, a
California limited liability company doing
business as SOLAR AMERICA, and
DOES 1-5, inclusive,

Defendants.

No. 4:15-cv-05340-YGR

Honorable Yvonne Gonzalez Rogers

**DECLARATION OF SUZANNE HAVENS
BECKMAN IN SUPPORT OF MOTION
FOR FINAL APPROVAL OF CLASS
ACTION SETTLEMENT**

Date: July 9, 2019

Time: 2:00 p.m.

Location: Courtroom 1

Ronald V. Dellums Federal Bldg.
1301 Clay Street
Oakland, California 94612

1 I, Suzanne Havens Beckman, declare as follows:

2 1. I am a partner in the law firm of Parisi & Havens LLP and am one of the attorneys
3 in the firm responsible for the handling of this litigation. I am counsel of record for Plaintiffs
4 Lynn Slovin, Samuel Katz, Jeffery Price and Justin Birkhofer. I am a member of the Bar of the
5 State of California and licensed to practice before this Court. I make this declaration based upon
6 my own personal knowledge. If called to testify, I could and would testify to the facts contained
7 herein.

8 2. The Stipulation and Agreement of Settlement (ECF No. 196, Ex. 1) and
9 Amendment to Stipulation and Agreement of Settlement (ECF No. 196, Ex. 2), provides the
10 relief sought in this action. Based on discovery obtained during the litigation, our independent
11 investigation, the collaborative work of the Parties, and analysis of call data, the parties have
12 identified 346,242 phone numbers likely to be those of class members.

13 3. The Settlement was the result of difficult and extensive arm's-length negotiations
14 which was focused solely on achieving the optimum relief for the Settlement Class. The Parties
15 did not negotiate or reach any agreements on Class Counsel's attorney fees, costs, nor did the
16 parties reach agreement on service awards to each of the four Representative Plaintiffs.

17 4. The Court appointed Kurtzman Carson Consultants ("KCC") as the Settlement
18 Administrator. Concurrently filed herewith is the Declaration of Phil Cooper, a Senior Project
19 Manager with KCC who has been working with the Parties on administration of the notice and
20 claims process. Based on communications we have had with KCC, given the number of persons
21 who received email notice and notice via U.S. Mail, KCC has determined that just over 30,000
22 persons identified as likely class members did not receive notice. This means that approximately
23 91 percent of likely class members received notice of the settlement.

24 5. To date, KCC has determined that there 36,506 valid claims. This means that the
25 claim rate is 10.5 percent, which is much higher than we have seen in the past. This is one of the
26 highest valid claims rates in a TCPA action in which my firm has been involved. We believe the
27 high claims rate from the persons who received direct notice is due to several factors: (1) we had
28 email addresses for about a third of the class members; (2) the claims procedure was simple, (3)

1 the claims forms were pre-populated with information; and (4) there was no requirement for
2 testimony under penalty of perjury. Based on the claims rate, the Settlement Administrator's
3 cost estimate, and the requested award of Class Counsel's attorneys' fees, costs, as well as
4 service awards, we estimate the Settlement Class Members who have made valid claims will
5 receive settlement checks for approximately \$68 for each claim made. In my experience, as well
6 as research of similar TCPA class actions, this amount compares favorably with other
7 settlements and exceeds the amount often received by class members.

8 6. The response to the Settlement has been overwhelmingly positive. There were no
9 objections to the Settlement. In fact, my firm and Co-Class Counsel have been contacted by and
10 assisted 13 members of the Settlement Class. Each of these individuals expressed nothing but
11 support and gratitude for the Settlement.

12 I declare under penalty of perjury under the laws of the United States of America that the
13 foregoing is true and correct and that this declaration was executed on June 18, 2019, at Orinda,
14 California.

15
16 /s/Suzanne Havens Beckman
Suzanne Havens Beckman
17
18
19
20
21
22
23
24
25
26
27
28